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HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(S) No. 5015 of 2007

PETITIONER Mahabir Sahu, s/o Late Seuk Ram Sahu, aged about 58 years R/o village and Post Utai, Tahsil & District Durg(CG)

Versus

RESPONDENTS

1. State of Chhattisgarh through Secretary(Revenue) Department Mantralaya, DKS Bhawan, Raipur, District Raipur(CG).
2. Upper Secretary of the Revenue of the State of Chhattisgarh at Raipur.

Writ Petition Under Article 226 of the Constitution of India.

Appearance:

Shri N.K. Chatterjee, counsel for the petitioner.
Shri A.S.Kachhawana, Government Advocate for the State.

ORAL ORDER
(05.09.2007)

SUNIL KUMAR SINHA, J.

Heard.

The petitioner, who is working on the post of Revenue Inspector, has been transferred from Patan, District Durg to Janjgir Champa on administrative grounds.

Learned counsel for the petitioner submits that the petitioner is a heart patient, who is taking regular treatment in Supela Bhilai, therefore, it would be difficult for him to come from Janjgir Champa to Supela Bhilai for treatment and follow-up check-ups.

Needless to say that these are not the grounds for interfering with the order of transfer by the Court of law. It is almost settled by the Apex Court that the transfer is an incidence of service and nobody, working on the transferable post, can claim to be posted at a particular place. It is for the employer to see that who should be posted where in the interest of efficient functioning of the department. Unless the order of transfer is vitiated by malafide or extraneous consideration or is against any statutory Rule or Act, it cannot be interfered by a Court of law.

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In view of the above, I am not inclined to entertain this petition. The petition is dismissed.

However, the petitioner would be at liberty to file a representation before the concerned authority, making his grievance, who will dispose of the same in accordance with law.

Sd/-
Sunil Kumar Sinha
Judge

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